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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,995	06/20/2003	Ben Jai	5-4-52	5758
7590	06/27/2007		EXAMINER	
Ryan, Mason & Lewis, LLP Suite 205 1300 Post Road Fairfield, CT 06824			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/600,995	JAI ET AL.
	Examiner	Art Unit
	Benjamin R. Bruckart	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 June 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**Detailed Action**

Claims 1-21 are pending in this Office Action.

Claims 1, 20 and 21 are amended.

The 35 U.S.C. 101 rejection is withdrawn.

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of applicant's amendment.

**Response to Arguments**

Applicant's arguments filed in the amendment filed 6/6/07 have been fully considered but they are not persuasive. The reasons are set forth below.

**Applicant's invention as claimed:**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-16, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,286,038 by Reichmeyer et al.**

Regarding claim 1, in a system having a plurality of devices (Reichmeyer: Fig. 2-3), wherein a plurality of configuration elements are associated with the plurality of devices (Reichmeyer: col. 2, lines 54-57), a method for automated generation of executable modules associated with the devices (Reichmeyer: col. 2, lines 45-46), the method comprising the steps of:

accessing information about one or more input configuration elements of the plurality of configuration elements (Reichmeyer: col. 4, lines 51- col. 5, line 10; class of device), wherein the one or more input configuration elements are associated with one or more input rules (Reichmeyer: col. 4, lines 51-col. 5, line 10, configurations);

determining which of the plurality of configuration elements could be accessed based on the one or more input rules (Reichmeyer: col. 8, lines 55- col. 9, line 1);

generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements (Reichmeyer: col. 6, lines 31-42); and

generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 27).

Regarding claim 2. The method of claim 1, wherein the one or more input configuration elements are described by one or more configuration classes (Reichmeyer: col. 8, lines 18-32) and wherein the one or more input rules are described by one or more rule files (Reichmeyer: col. 4, lines 51- col. 5, line 10).

Regarding claim 3. The method of claim 1, wherein the step of determining which of the plurality of configuration elements could be accessed further comprises the step of determining read and write sets of configuration elements for a given one of the one or more rules (Reichmeyer: col. 4, lines 53- col. 5, line 10; read supplied data-topology, write is creating or modifying the configuration; no read is default).

Regarding claim 4. The method of claim 3, wherein the step of determining read and write sets of configuration elements further comprises the step of determining for the given rule a call chain emanating from the given rule (Reichmeyer: col. 6, line 51- col. 7, line 17, 43-57; the process from device to server to device).

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Regarding claim 5. The method of claim 4, wherein the step of determining for a given rule a call chain emanating from the rule further comprises the steps of determining whether the given rule accesses one or more items and determining whether one or more other configuration elements are accessed by the one or more items (Reichmeyer: col. 8, lines 55- col. 9, line 1; items are the topography information).

Regarding claim 6. The method of claim 5, wherein the one or more items comprise one or more rules or one or more utility methods (Reichmeyer: col. 8, lines 55- col. 9, line 33; independent processes as performed by the server).

Regarding claim 7. The method of claim 5, wherein the step of determining read and write sets of configuration elements further comprises the steps of determining whether the one or more items accesses one or more additional items and determining whether one or more additional configuration elements are accessed by the one or more additional items (Reichmeyer: col. 8. lines 33-43).

Regarding claim 8. The method of claim 1, wherein the step of determining which of the plurality of configuration elements could be accessed further comprise the step of determining, for a given one of one or more configuration elements able to be accessed by an input rule, a set of instance chain accesses for the given configuration element (Reichmeyer: col. 8, lines 18- col. 9, line 1).

Regarding claim 9. The method of claim 8, wherein the given configuration element comprises a configuration element of a configuration class, wherein the given configuration element is another configuration class; and wherein the step of determining, for a given one of one or more configuration elements able to be accessed by an input rule, a set of instance chain accesses for the given configuration element further comprises the step of determining every access for the other configuration class to other configuration elements (Reichmeyer: col. 8, lines 18- col. 9, line 1).

Regarding claim 10. The method of claim 1, wherein the step of generating at least one executable module further comprises the step of generating at least one class for a given one of the one or more output rules, the at least one class defining the at least one executable module (Reichmeyer: col. 10, lines 54- col. 11, line 14).

Regarding claim 11. The method of claim 10, wherein the at least one class comprises one or more statements adapted to access at least one given configuration element that corresponds to the one or more output rules (Reichmeyer: col. 8, lines 18-42).

Regarding claim 12. The method of claim 10, wherein each of the at least one classes comprises one or more methods adapted to access the at least one given configuration element (Reichmeyer: col. 8, lines 33-42).

Regarding claim 13. The method of claim 12, wherein the access comprises reading, writing, or modifying the at least one given configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 14).

Regarding claim 14. The method of claim 1, wherein the at least one executable module is adapted to trigger the one or more output rules corresponding to the given input configuration element through deferred triggering of the one or more output rules (Reichmeyer: col. 6, lines 43-57; doesn't execute until bootup and sends for config from server).

Regarding claim 15. The method of claim 1, wherein the at least one executable module is adapted to trigger the one or more output rules corresponding to the given input configuration element through direct triggering of the one or more output rules (Reichmeyer: col. 4, lines 44-50; direct connection with request/response).

Regarding claim 16. The method of claim 1, wherein the at least one executable module is adapted to trigger the one or more output rules corresponding to the given input configuration

element through batch triggering of the one or more output rules (Reichmeyer: col. 8, lines 18-67; processes all the elements and new configuration data based on received or processed data).

Regarding claim 20. In a system having a plurality of devices (Reichmeyer: Fig. 2-3), wherein a plurality of configuration elements are associated with the plurality of devices (Reichmeyer: col. 2, lines 54-57), an apparatus for automated generation of executable modules associated with the devices (Reichmeyer: col. 10, lines 54- col. 11, line 27), the apparatus comprising:

a memory (Reichmeyer: Fig. 12); and

at least one processor, coupled to the memory (Reichmeyer: Fig. 12);

the apparatus being operative:

to access information about one or more input configuration elements of the plurality of configuration elements (Reichmeyer: col. 4, lines 51- col. 5, line 10; class of device), wherein the one or more input configuration elements are associated with one or more input rules (Reichmeyer: col. 4, lines 51- col. 5, line 10; configuration);

to determine which of the plurality of configuration elements could be accessed based on the one or more input rules (Reichmeyer: col. 8, lines 55- col. 9, line 1);

to generate one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements (Reichmeyer: col. 6, lines 31-42); and

to generate at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 27).

Regarding claim 21. An article of manufacture for use in a system having a plurality of devices (Reichmeyer: Fig. 2-3), wherein a plurality of configuration elements are associated with the plurality of devices (Reichmeyer: col. 2, lines 54-57), and for automated generation of executable modules associated with the device (Reichmeyer: col. 10, lines 54- col. 11, line 27), the article of manufacture comprising:

a machine readable medium containing one or more programs which when executed implement the steps of (Reichmeyer: col. 11, lines 43-55):

accessing information about one or more input configuration elements of the plurality of configuration elements (Reichmeyer: col. 4, lines 51- col. 5, line 10; class of device), wherein the one or more input configuration elements are associated with one or more input rules (Reichmeyer: col. 4, lines 51- col. 5, line 10; configuration);

determining which of the plurality of configuration elements could be accessed based on the one or more input rules (Reichmeyer: col. 8, lines 55- col. 9, line 1);

generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements (Reichmeyer: col. 6, lines 31-42); and

generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 27).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,286,038 by Reichmeyer et al in view of U.S. Patent No. 2003/0105838 by Presley.**

Regarding claim 17. The Reichmeyer reference teaches the method of claim 3, wherein the one or more output rules comprise two or more output rules (Reichmeyer: col. 8, lines 55- col. 9, line 14; generic or location specific configuration).

The Reichmeyer reference fails to teach performing a circularity check.

However, the Presley reference teaches a method further comprises the step of performing a circularity check by determining dependency relationships between the two or more output rules and by determining whether a given one of the two or more output rules depends upon itself (Presley: page 4, para 47) in order to provide reliable and predictable performance (Presley: page 1, para 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method of claim 3 as taught by Reichmeyer to include determining dependency relationships in order to provide reliable and predictable performance (Presley: page 1, para 5).

Regarding claim 18. The Reichmeyer reference teaches the method of claim 1.

The Reichmeyer reference fails to teach range restriction.

However, the Presley reference teaches, wherein the information further comprises at least one range restriction corresponding to the given input configuration element and wherein the at least one executable module is adapted to ensure that the at least one range restriction is met when the given configuration element accessed by the one or more triggered output rules is assigned a value (Prsely: page 4, para 52) in order to provide reliable and predictable performance (Presley: page 1, para 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method of claim 3 as taught by Reichmeyer to include determining dependency relationships in order to provide reliable and predictable performance (Presley: page 1, para 5).

Regarding claim 19. The Reichmeyer reference teaches the method of claim 1.

The Reichmeyer reference fails to teach dependency integers.

However, the Presley reference teaches information further comprises at least one referential integrity restriction corresponding to the given input configuration element and wherein the at least one executable module is further adapted to ensure that the at least one referential integrity restriction is met when the given configuration element is accessed by the one or more triggered output rules (Presley: page 4, para 53; referential integrity restriction specifies that a variable is dependent on the state of another variable) in order to provide reliable and predictable performance (Presley: page 1, para 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method of claim 3 as taught by Reichmeyer to include determining dependency relationships in order to provide reliable and predictable performance (Presley: page 1, para 5).

### **Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Publication No. 20040015832 by Stapp et al teaches generating configuration data based on input, output rules in para 73 and 80.

U.S. Patent Publication No. 20030115548 by Melgar teaches class library files based on rules in files para 19 and 51.

### **REMARKS**

Applicant has provided arguments directed towards the 101 and the 102(b) rejection of Reichmeyer.

#### **The Applicant Argues:**

That the Reichmeyer does not teach "input rules," "output rules," and "executable modules;" and

The Reichmeyer reference does not teach "executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element."

**In response,** the examiner respectfully submits:

The rejection is maintained because the Reichmeyer reference does anticipate the claimed limitations.

Applicant argues the definitions of the terms 'input rules, output rules, and executable module' in the remarks. Applicant specifically cites the specification to define each of these terms. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Such the terms in the claims are read in light of the specification but the explicit definitions from applicant's specification are not read into the claims.

The Reichmeyer reference teaches a system for configuring devices remotely.

With regard to "accessing information about one or more input configuration elements of the plurality of configuration elements, wherein the one or more input configuration elements are associated with one or more input rules; and determining which of the plurality of configuration elements could be accessed based on the one or more input rules," Reichmeyer teaches accessing a topology database with "information" about devices. The information ranges from a) class of device, b) physical address of the device, and c) logical location and addressing data of the device (col. 4, lines 51- col. 5, line 10). The input rules are the constraints on the device such as device type, being "router or switch," connectivity information, and relationship to other devices. The determining access based on the rules is interpreted to be the determining how much configuration data can be configured based on the device's status, class, and location information. Input rules are also shown as preconfigured configuration data that is stored on the devices with identification information used to further configure the device (col. 3, lines 1-5).

Reichmeyer teaches "output rules" using the accessed information, accessed configuration elements; input rules are the configuration files (DCF) files that are generated to be sent to configure the network device (Reichmeyer: col. 6, lines 31-42).

The Reichmeyer reference teaches an "executable module" adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 27) as the central configuration server that generates the output rules based on the input rules (see Fig. 3). The central configuration server accesses input rules about each device and generates output specifically catered to configure the device (Reichmeyer: col. 2, lines 45-64).

Traversing a claim rejection by stating is not taught because applicant “could find no disclosure of it” borders on non-responsive. Because of the extremely broad breadth of the claims, applicant needs to further define the invention within the claims and distinguish it from the prior art of record in limitations and remarks.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

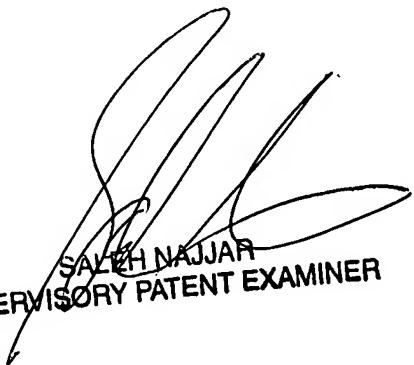
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

BRB

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER